

## Cal State LA

### STUDENT GRIEVANCE PROCEDURE

A student grievance is a formal complaint by a student arising out of an alleged action of the faculty, administrative units, or staff of Cal State LA. Such action is alleged by the student to be:

1. An unauthorized, unjustified, or unethical action(s), which adversely affects the status, rights, or privileges of the student  
*and/or*
2. In violation of official campus policies and/or procedures  
*and/or*
3. An arbitrary, capricious, or unequal application of official campus policies or procedures

#### [Student Grievance Form](#)

#### Purpose

The purpose of this procedure is to set out the guidelines and standards for the filing of a grievance by a student. This procedure is intended to reflect the university's commitment to the principles, goals, and ideals described in Cal State LA's mission statement and to its core values. It establishes due process and safeguards that will be followed by the university in the resolution of grievances.

This procedure places first priority on open, honest communication. No grievance procedure should take the place of negotiating in good faith.

#### Scope

A grievance filed under this procedure must be initiated within six months of the alleged action. A grievance may not be filed based on a student's judgment of an instructor's or administrator's competence; such judgments are solely the province of the academic department involved or of the administrator's supervisor.

The student may withdraw the grievance at any stage, at which point the process will immediately terminate. During all stages of the grievance, the burden of proof will be on the student.

This student grievance procedure is not intended for issues that can be addressed by more specific policies, procedures and/or investigative processes. Examples include, but are not limited to:

- Complaints regarding the performance of a member of the faculty, staff, or administration. These concerns should be brought to the attention of the appropriate supervisor.
- An academic decision and/or grade appeal. Students shall follow the process for grievance of academic decisions, and grade appeals, outlined in Cal State LA's grade appeals/academic grievance policy.
- A student allegation of harassment and/or discrimination based on a legally protected status, and/or related retaliation by the CSU, a university employee, another student, or a third party.

Such complaints shall be directed to the campus DHR (Discrimination, Harassment, or Retaliation) administrator. The DHR administrator will determine the status of the complaint.

- Challenges to student records through the family educational rights and privacy act (FERPA). The university Registrar shall be responsible for handling such concerns.
- Student appeals relating to financial aid decisions, rules, and regulations. These shall be directed to the financial aid office.

The Office of the Dean of Students will help students understand the scope and details of the grievance procedure and may be called upon for assistance.

### **Terminology**

**Appropriate Administrator:** the Vice President of the Division (or the Division Vice President's designee) in which the named employee works. In the case of a faculty employee, the Dean of the appropriate college (or the Dean's designee). The appropriate administrator will work with the named employee and the student to attempt to resolve the grievance to the satisfaction of both.

**Committee:** the university's Student Grievance Committee. As appointed by the Vice President for Student Life, the Assistant Dean of Students: Engagement and Wellness shall serve as the Coordinator of the Committee. The Committee will conduct grievance hearings, deliberate, and issue findings of fact and recommendations for action fairly and expeditiously.

**Day(s):** days the campus is open and the university is in operation

**Grievance:** a grievance is a formal complaint by a student arising out of an alleged action of the faculty, administrative units, or staff of Cal State LA. Such action is alleged by the student to be:

1. An unauthorized, unjustified, or unethical action(s), which adversely affects the status, rights, or privileges of the student  
*and/or*
2. In violation of official campus policies and/or procedures  
*and/or*
3. An arbitrary, capricious, or unequal application of official campus policies or procedures

**Grievant:** the student(s) who file(s) a grievance.

**Parties:** parties to a grievance include the grievant(s), respondent(s), and advisors for either of the former, members of the Student Grievance Committee, administrators processing the grievance, and those staff members with designated responsibilities for handling grievance materials.

**Respondent(s):** the person(s) or unit whose perceived actions or omissions gave rise to the grievance, or any person(s) designated by the university to respond to the grievance.

**Unit:** any specified official institutional organization, e.g., a committee, program, administrative office, department or college.

### **Who may file a Grievance?**

Any person who, at the time that the event or action which is the subject of the grievance occurred, was a continuing Cal State LA undergraduate or graduate student, or enrolled in an extended education or open university course, may file a grievance. No student shall be penalized for submitting or proceeding with a grievance. No restraining, coercive, discriminatory, and/or retaliatory action shall be taken against a person because of initiating or participating in a grievance.

A grievance shall be filed no more than six months after the alleged occurrence of the action on which it is based, regardless of the date of the discovery of the action.

### **Confidentiality of Grievances**

All grievances shall be considered confidential and shall not be divulged to individuals or organizations not party to the grievance, unless required by law or California State University policy. All materials developed in the course of the grievance investigation and hearing shall be placed in a confidential, non-personnel file to be maintained by Office of the Dean of Students. None of these materials shall be removed from the file or copied unless needed for compliance with appropriate administrative or legal requirements.

### **Advice & Counsel**

Each party to a grievance may designate one person to be present for support during all stages of the grievance process, including the grievance hearing. Legal counsel shall not be present during any part of the grievance process. The University's Director of Student Support may serve as an advisor to the student throughout the grievance process, and provide information to the student about the grievance process and form prior to submitting a grievance.

### **Informal Process**

Prior to initiating formal grievance procedures, the student(s) is required to make a good faith effort to informally resolve the dispute with the respondent. The Director of Student Support will provide guidance to the student on pursuing the informal process. If the student(s) is not satisfied with the outcome of communications with the respondent, the student is then required to attempt to informally resolve the grievance through either of the following channels:

1. In the case of faculty: through the department chair, and if resolution cannot be attained, the college dean or the management personnel plan (MPP) employee responsible for the faculty member's unit.
2. In the case of support staff or administrative personnel: through the employee's supervisor, and if resolution cannot be attained, the administrator of the unit or the MPP employee responsible for the staff member's unit.

### **Formal Grievance Process**

If the student feels that the informal process has not resolved the grievance issues satisfactorily, the student may then enter into a formal grievance process. The student shall receive the formal student grievance form from the Office of the Dean of Students, complete it in detail, and submit it to the Dean of Students (Student Affairs Building, Room 115A).

#### **[Student Grievance Form](#)**

#### **Submission process**

The Dean of Students shall receive all student grievance forms and determine the following:

1. Standing to file a grievance;

2. Timeliness;
3. That the grievance is not a resubmission of a previously submitted or decided grievance;
4. That the grievance does not seek disciplinary action;
5. That the grievance is not an academic assessment or grade appeal;
6. That the grievance does not relate to discrimination, harassment, and/or retaliation based on any protected status;
7. That the grievance is not frivolous, or abusive of the process; or being used to retaliate;
8. That the grievance is not a financial appeal;
9. That the grievance is not a FERPA issue

If the Dean of Students determines the grievance should not go forward for any of the above reasons, and the student disagrees, the student may appeal the decision to the appropriate Vice President.

If the Dean of Students determines that the grievance should go forward, the completed student grievance form shall be delivered to the Coordinator of the Student Grievance Committee. Next steps are described below.

The Office of the Dean of Students may assist the student in preparing any necessary forms to ensure clarity and completeness. In the event that a student files a grievance that requires a review of his/her student records, the student waives his/her rights under the FERPA statutes to the extent that those records are released to the Committee. The Office shall also convene the meeting of the Committee, provide administrative support to implement this procedure, and monitor all decisions for the appropriate administrator to assure actions are implemented in a timely fashion.

### **Student Grievance Committee**

There shall be a Student Grievance Committee (Committee) with duties established by this procedure. The Dean of Students shall work with each representative body regarding the appointments of members to the Committee. Committee members will be appointed using procedures consistent with the academic senate constitution and bylaws, and the Associated Students Inc., constitution and bylaws.

Membership of the Committee shall consist of:

- The Assistant Dean of Students: Wellness and Engagement – serving as Coordinator of the Committee.
- Three students to be named by the Associated Students Inc. (ASI). Students serving on the Committee must be regular students in good standing, determined to be so under the same regulations imposed for ASI members.
- Three faculty members to be named by the nominations committee of the Academic Senate. All faculty members and alternates shall hold full-time faculty appointments.
- Three staff representatives to be named by the President. The staff representatives shall hold regular full time positions.
- Three members of the administration to be named by the President. All administrators shall hold continuing (regular) employed positions.
- An MPP representative from Human Resources who shall be a nonvoting ex-officio member.

- Students shall be appointed for a one-year term of office. All other members shall be appointed for a two-year term of office.

The duties of Committee members include:

- Attending all meetings called by the Coordinator of the Committee;
- Ensuring that fair and proper procedures are followed;
- Considering all pertinent and relevant evidence in the case;
- Determining matters of fact, interpreting policies and procedures, and making recommendations in writing to the appropriate administrator.

### **Considering a Grievance**

Upon receiving a formal grievance (student grievance form) from the Office of the Dean of Students, the Coordinator of the Student Grievance Committee shall forward the grievance to the Committee, and the Committee shall meet and determine whether there is adequate cause for hearing. Deliberation by the Committee and any consequent hearings shall begin within ten (10) working days of the filing of the grievance with the Dean of Students.

The grievant will be notified by the Coordinator regarding the decision to dismiss the case or to proceed to a hearing.

The Coordinator or assigned party shall reserve the appropriate facility and notify all parties involved of the hearing date(s) and location.

### **Hearing Process**

For a formal grievance hearing to proceed, there must be a quorum of the Student Grievance Committee present. Quorum shall be one (1) member of each of the following representative groups making up the Committee: students, faculty, staff, and administration. There must be at least six (6) Committee members present, together with the Coordinator of the Committee, and an MPP representative from Human Resources.

The hearing is considered a fact-finding/information gathering proceeding, not a judicial process.

The hearing process shall proceed as follows:

- The Committee shall determine who shall be involved in the hearing process. A panel member who has a conflict of interest shall immediately notify the Coordinator, so that a replacement may be selected. A conflict of interest exists for a potential panel member if he/she is the named employee, a witness to any of the events, a relative of anyone involved, and or works in the same department or unit as the named employee.
- The grievant and the respondent may be present for the hearing process.
- The Committee may seek advice from experts from the appropriate area.
- The Committee may invite persons having information related to the grievance to participate in the hearing.
- There shall be no confrontation or cross-examination of witnesses.
- Only the Committee, the grievant, the respondent, and those currently providing information may be present during that portion of the hearing.

- The Coordinator shall preside at the hearing. The Committee shall choose one of its members as a recorder to take minutes. Those minutes shall be the official record and shall reside in the Office of the Dean of Students. Committee members, including the Coordinator, possess the sole right to ask questions. The grievant and respondent may provide a list of questions for the Committee to consider.

### **Recommendation**

The Committee shall deliver a written report for each grievance to the appropriate administrator within ten (10) days of completing the hearing. The report shall include both a finding of fact and the recommendation of the Committee for an appropriate remedy, if found necessary.

### **Decision**

The appropriate administrator shall render the final decision within ten (10) days of receiving the Committee's report. The decision shall be in writing and shall state the reasons for the decision. The decision shall be sent to the grievant and the respondent.

It is expected that the appropriate administrator shall give great weight to the recommendations of the Committee. However, if these recommendations are not implemented, an explanation of this decision shall be provided to all of the aforementioned parties.

### **Implementation**

The party responsible for implementing the recommendation shall take action solely based on the factual findings and recommendations provided by the appropriate administrator. The party responsible for implementing the recommendation shall not re-investigate the complaint. Further, the party shall promptly notify the Office of the Dean of Students of the course of action taken. If, within a reasonable timeframe, remedial action has not been taken, the Office of the Dean of Students may request the appropriate administrator, or other appropriate officials, to expedite resolution of the situation.

### **Appeals**

Within ten (10) days of the decision by the appropriate administrator, either party to the grievance may appeal the decision to the President or his/her designated representative. The notice of appeal shall clearly state the grounds for appeal. The appeal must describe a substantial procedural error or some other significant factor that seriously prejudiced the outcome of the hearing.

The President may accept, reject, or modify the recommendations from the appropriate administrator based solely on procedural improprieties, California State University policy, or state or federal law. This decision shall be in writing and based on the record of the hearing. There shall be no new hearing or new evidence presented. This decision is final and shall conclude the university's review of the matter.

### **Maintenance of Records/Annual Reporting**

The Office of the Dean of Students shall be responsible for maintaining all records and materials developed in the course of the grievance investigation and hearing. These files are confidential. The records for each grievance shall be maintained for a period of four years after the final action has been rendered.

The Office of the Dean of Students shall submit an annual report to the President's cabinet on the number of cases heard and the disposition of the cases, taking all necessary steps to protect confidentiality. The report may contain recommended changes in campus policy designed to prevent repetition of actions that are shown by the findings of fact to be unauthorized and/or unjustified and that adversely affect the status, rights, or privileges of the students.

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